

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

TYSON KEPLINGER,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:17-CV-647-PPS-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Tyson Keplinger, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in ISP 17-03-199 where a Disciplinary Hearing Officer (DHO) at the Indiana State Prison found him guilty of attempted trafficking in violation of A-111/ A-113 on March 17, 2017. ECF 1 at 1. As a result, Keplinger was sanctioned with the loss of 6 days earned credit time. *Id.*

After Keplinger filed his petition, the finding of guilt and sanctions were vacated. ECF 9-6. The Warden has filed a motion to dismiss because this case is now moot. ECF 9. Keplinger did not file a response and the time for doing so has passed. *See* N.D. Ind. L. Cr. R. 47-2. Regardless, the Court cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Keplinger has already won and there is no case left for this court to decide. Accordingly, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that

lengthened the duration of his confinement).

For these reasons, the motion (ECF 9) is **GRANTED** and the case is **DISMISSED**. The Clerk is **DIRECTED** to close this case.

SO ORDERED on March 19, 2018.

/s Philip P. Simon
JUDGE
UNITED STATES DISTRICT COURT